

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of M.L.M., Jr., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LACRYSTAL D. GEORGE,

Respondent-Appellant.

UNPUBLISHED

August 20, 2002

No. 237455

Wayne Circuit Court

Family Division

LC No. 00-389633

Before: White, P.J., and Neff and Jansen, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her child pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j).¹ We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, pp 356-357.

We hold the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for termination of respondent's parental rights. Petitioner initiated this action after respondent left her child in her mother's care for an extended period of time during which she did not communicate her whereabouts. From the time the child was placed in foster care until the date of the permanent custody hearing, a period of more than one year, respondent had a maximum of ten visits with the child. Respondent made little effort to comply with the parent-agent agreement,

¹ The trial court entered a separate order terminating the parental rights of Mark Lee Maxwell, the child's father. Maxwell's appeal of that order is pending (Docket No. 240638).

notwithstanding the fact that she was given an adequate opportunity to do so. Her failure to substantially comply with the agreement constituted evidence that returning the child to her home would cause a substantial risk of harm to the child. MCR 5.973(C)(4)(b).

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that the conditions that led to the adjudication continued to exist and were not reasonably likely to be rectified within a reasonable time considering the child's age, MCL 712A.19b(3)(c)(i), that respondent failed to provide proper care or custody for the child and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that it was reasonably likely the child would be harmed if returned to respondent's care, MCL 712A.19b(3)(j). The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCR 5.974(I); *Trejo, supra*.

Affirmed.

/s/ Helene N. White

/s/ Janet T. Neff

/s/ Kathleen Jansen